

JUN 18 2008

Board of Vocational Nursing
and Psychiatric Technicians

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BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2006-1169

MEGAN PATRICIA EADDY
5316 Jamiewood Court
Carmichael, California 95608

ACCUSATION

Vocational Nurse License No. VN 211508

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about October 13, 2004, the Board issued Vocational Nurse License Number VN 211508, to Megan Patricia Eaddy ("Respondent"). The license will expire on January 31, 2010, unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing Practice Act.

4. Code section 118(b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

STATUTORY PROVISIONS

5. Code section 2878 states, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following:

(a) Unprofessional conduct.

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction."

6. Code section 2878.5 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code.

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1 (b) Use any controlled substance as defined in Division 10 of the Health and
2 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an
3 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,
4 or to the extent that the use impairs his or her ability to conduct with safety to the public the
5 practice authorized by his or her license.

6 (c) Be convicted of a criminal offense involving possession of any narcotic or
7 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
8 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
9 conclusive evidence thereof."

10 COST RECOVERY

11 7. Code section 125.3 provides, in pertinent part, that the Board may request
12 the administrative law judge to direct a licentiate found to have committed a violation or
13 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
14 and enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Conviction of a Crime)

17 8. Respondent is subject to discipline under Code sections 2878(f) and 490,
18 in that she was convicted of the following crimes that are substantially related to the
19 qualifications, functions or duties of a vocational nurse:

20 a. On or about January 31, 2007, in the case of *People v. Megan Patricia Eaddy*,
21 (Super. Ct. Sacramento County, 2007, Case No. 07T00133), Respondent was convicted by the
22 Court on her plea of guilty of violating Vehicle Code section 23152(a) (driving under the
23 influence of alcohol or drugs) with a prior conviction of September 20, 2005, for violating
24 Vehicle Code section 23152(b) (driving while having 0.08 percent and more, by weight, of
25 alcohol in her blood).

26 b. On or about September 20, 2005, in the case of *People v. Megan Patricia*
27 *Eaddy*, (Super. Ct. Sacramento County, 2005, Case No. 05T02934), Respondent was convicted
28 by the Court on her plea of nolo contendere of violating Vehicle Code section 23152(b) (driving

1 while having 0.08 percent and more, by weight, of alcohol in his blood), and Vehicle Code
2 section 14601.1(a) (driving a motor vehicle upon a highway at a time when her driving privilege
3 was suspended and revoked for a reason other than one listed in section 14601 and 14601.2 of
4 the Vehicle Code, to wit, failure to provide proof of financial responsibility, and when she had
5 knowledge of such suspension and revocation). In addition, Respondent willfully and unlawfully
6 drove a motor vehicle with a concentration of alcohol in her blood of 0.20 percent or more by
7 weight, within the meaning of Vehicle Code section 23578.

8 SECOND CAUSE FOR DISCIPLINE

9 (Conviction of Crimes Involving the Consumption of Alcohol)

10 9. Respondent is subject to discipline under Code section 2878(a), on the
11 grounds of unprofessional conduct as defined in Code section 2878.5(c), in that on or about
12 January 31, 2007, and September 20, 2005, Respondent was convicted of crimes involving the
13 consumption of alcohol, as more particularly set forth above in paragraph 8.

14 THIRD CAUSE FOR DISCIPLINE

15 (Use of Alcohol)

16 10. Respondent is subject to discipline under Code section 2878(a), on the
17 grounds of unprofessional conduct as defined in Code section 2878.5(b), in that on or about
18 June 12, 2005, and December 12, 2006, Respondent used alcoholic beverages to an extent or in a
19 manner dangerous or injurious to herself, and the public, when she operated a vehicle while
20 under the influence of alcohol and/or drugs, as more particularly set forth above in paragraph 8.

21 PRAYER

22 **WHEREFORE**, Complainant requests that a hearing be held on the matters
23 herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
24 Technicians issue a decision:

25 1. Revoking or suspending Vocational Nurse License Number VN 211508,
26 issued to Megan Patricia Eaddy;

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2. Ordering Megan Patricia Eaddy to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: June 18, 2008.

TERESA BELLO-JONES, J.D., M.S.
Executive Officer

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Board of Vocational Nursing and Psychiatric Technicians
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Complainant

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